

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

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KIMBERLY SMITH, :  
Plaintiff, :  
v. :  
PAROLE OFFICER ROBERT B. :  
ROSENBERGER, individually and in his :  
official capacity; PAROLE OFFICER :  
MICHAEL P. KENNY, individually and in his :  
official capacity; JOHN LENARD HOME, :  
Hudson Valley Assistant Regional Director; :  
JOHN J. CUEVAS, Peekskill Area Bureau :  
Chief; JOHN GEMMATI, Hudson Valley :  
Regional Director; PAROLE OFFICER JANE :  
DOE, individually; and JACK AND JILL :  
DOES I-XIV, in their individual and official :  
capacities, :  
Defendants. :  
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**ORDER**

20 CV 1274 (VB)

On April 27, 2021, the Court issued an Order of Service directing the Clerk of Court to deliver to the U.S. Marshals Service all paperwork necessary for the Marshals Service to effect service upon several defendants. (Doc. #124). On April 29, 2021, the Clerk of Court issued summonses as to three defendants: John J. Cuevas, John Gemmati, and John Lenard Home.

On June 30, 2021, the Marshal's Service docketed an unexecuted Acknowledgment of Receipt of Summons and Complaint for defendant John Lenard Home. (Doc. #126). According to that form, summons and the complaint were mailed to defendant Home at 3 Cottage Place, 2<sup>nd</sup> Floor, New Rochelle, NY 10801. According to the unexecuted form, service was not received because "No one goes by this name" at the addressed location.

Moreover, there is no indication on the docket that defendant John J. Cuevas has been served.

On June 30, 2021, the Marshal's Service docketed executed Acknowledgements of Receipt of Summons and Complaint for defendants John Gemmati and Robert B. Rosenberger. (Docs. ##127, 128). The executed forms reflect that counsel for each defendant appearing in this action, John Doran, accepted service on behalf of those two defendants. (Id.)

According to plaintiff, each defendant of this action is an employee of the New York State Department of Corrections and Community Supervision's Division of Reentry Services. (Doc. #109 at ECF 1).

Accordingly, it is HEREBY ORDERED that counsel for defendants shall file a letter by August 13, 2021 stating whether he will accept service on behalf of the defendants who remain unserved. In that letter, counsel for defendants shall also indicate whether they require additional time to answer, move, or otherwise respond to the complaint.

Dated: August 5, 2021  
White Plains, NY

SO ORDERED:



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Vincent L. Briccetti  
United States District Judge